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# Emergency Rules

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**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 35—Children's Division  
Chapter 80—Payment of Residential Facilities**

**EMERGENCY AMENDMENT**

**13 CSR 35-80.020 Residential Care Agency Cost Reporting System.** The division is deleting section (7).

*PURPOSE: This amendment removes the termination date of this rule, in order to ensure federal funding and compliance with a court order issued by The United States District Court for the Western District (Central Division).*

*EMERGENCY STATEMENT: The division has determined that an emergency amendment is necessary to continue a methodology for foster care maintenance payments to residential facilities. In a hearing in front of the Joint Committee on Administrative Rules the division agreed to include a termination date in order for the parties involved to negotiate an agreement for payment. These negotiations are continuing. The division finds that an immediate danger to the health, safety and welfare to the citizens of Missouri exists inasmuch as this action is necessary in order to ensure federal funding for the affected providers. The division finds that this emergency amendment is necessary to preserve a compelling governmental interest in maintaining continued federal funding for the treatment of children. It is also necessary to continue a methodology in order to be in compliance with an order issued by The United States District Court for the Western District (Central Division). The scope of this emergency amendment is limited to circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The division believes the emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed September 22, 2004, effective October 2, 2004, and expires March 30, 2005.*

*[(7) This rule shall terminate on October 15, 2004.]*

*AUTHORITY: section 207.020, RSMo 2000. Emergency rule filed Jan. 16, 2004, effective Jan. 26, 2004, expired July 23, 2004. Original rule filed Jan. 16, 2004, effective Aug. 30, 2004. Emergency amendment filed Sept. 22, 2004, effective Oct. 2, 2004, expires March 30, 2005. An emergency and proposed amendment covering this same material will be published in the Nov. 1, 2004 issue of the **Missouri Register**.*